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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,280	08/19/2005	Jorg Harren	5003073.061US1	8522
	7590 07/22/201 E LEATHERWOOD I	EXAMINER		
P.O. BOX 2192		KILIMAN, LESZEK B		
GREENSBORO, NC 27420			ART UNIT	PAPER NUMBER
			1787	
			NOTIFICATION DATE	DELIVERY MODE
			07/22/2010	ELECTRONIC

## Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

phil.mccann@smithmoorelaw.com lorna.selvaggio@smithmoorelaw.com mary.garner@smithmoorelaw.com

		Application No.	Applicant(s)			
Office Action Summary		10/532,280	HARREN ET AL.			
		Examiner	Art Unit			
		leszek b. kiliman	1787			
	The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply					
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
Status						
1)☑	Responsive to communication(s) filed on 14 Ap	nril 2010				
-	This action is <b>FINAL</b> . 2b)  This action is non-final.					
′=	<i>/</i>					
<i>ا</i> ل	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
	closed in accordance with the practice under L.	x parte Quayre, 1000 0.D. 11, 4	00 0.0. 210.			
Dispositi	on of Claims					
4)🖂	E)⊠ Claim(s) <u>12-18 and 20-24</u> is/are pending in the application.					
•	4a) Of the above claim(s) is/are withdrawn from consideration.					
	5) Claim(s) is/are allowed.					
·	6)⊠ Claim(s) <u>12-18,20-24</u> is/are rejected.					
· · · · · · · · · · · · · · · · · · ·	Claim(s) is/are objected to.					
-	Claim(s) are subject to restriction and/or	election requirement.				
	on Papers	·				
	·					
•	The specification is objected to by the Examine					
10)	The drawing(s) filed on is/are: a)∏ acce	· · · · · · · · · · · · · · · · · · ·				
	Applicant may not request that any objection to the o					
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority u	ınder 35 U.S.C. § 119					
<ul> <li>12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</li> <li>a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> <li>* See the attached detailed Office action for a list of the certified copies not received.</li> </ul>						
2)  Notic 3) Inforr	t(s) e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948) nation Disclosure Statement(s) (PTO/SB/08) r No(s)/Mail Date	4)  Interview Summar Paper No(s)/Mail D 5)  Notice of Informal 6)  Other:	oate			

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**DETAILED ACTION** 

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form

the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on

sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 12-18, 20-24 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the

alternative, under 35 U.S.C. 103(a) as obvious over Hatsuda'076 substantially for the reasons of

record.

The amendments and remarks filled by applicants on 4/14/10 have been fully considered.

Arguments have not been persuasive. The examiner submits that changes to the claims have

included process conditions. However, claims relate to the article. There is no evidence on the

record that the claimed article would have a different structure than the prior art article.

Regarding silicic acid arguments, the examiner submits that it would have been obvious

to one having ordinary skill in the art to choose silicic acid as water insoluble powder since such

would improve structure of absorbent polymer.

Claim 14 would be allowable if rewritten in the independent form including all the

limitations of the preceding claims.

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THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to leszek b. kiliman whose telephone number is 571-272-1509. The examiner can normally be reached on M-T, 6.30-5.00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, calie shosho can be reached on 571-272-1123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

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like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Lk

/leszek b kiliman/

Primary Examiner, Art Unit 1787